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**FISCAL IMPACT STATEMENT**

**LS 7831**

**BILL NUMBER: SB 506**

**NOTE PREPARED: Jan 20, 2003**

**BILL AMENDED:**

**SUBJECT:** Probation User's Fees.

**FIRST AUTHOR:** Sen. Meeks C

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**    **GENERAL**  
                              **X DEDICATED**  
                              **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- (A) It imposes an administration fee for each person placed on probation in a juvenile or adult court.
- (B) It requires the administration fee to be collected before any other probation user fee.
- (C) It allows a probation department to: (1) receive payment for fees by credit card; and (2) petition a court to impose or increase probation fees if the financial position of a person changes while the person is on probation.
- (D) It allows a court to: (1) enforce an order to pay probation user fees by lien or garnishing of wages; (2) impose an increased probation user fee in certain circumstances; and (3) issue an order preventing a person from receiving a driver's license or permit if the person is delinquent in payment of probation fees.
- (E) It allows more than one initial probation user's fee to be imposed on a person placed on probation for multiple offenses.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** *Provision D(3):* The number of probation violators who do not pay their probation user fees is a subset of the number of probationers who have their probation revoked for a technical violation. (A technical violation occurs when a probationer does not comply with the conditions and behaviors to which the individual agreed when being placed on probation. The violation is not for committing a new crime.)

During CY 2001, the number of adult felons and misdemeanants who had their probations revoked due to a technical violation was 8,350. Of these, the estimated percentage who intentionally failed to pay user fees was not able to be determined.

This provision allows the sentencing court to issue an order to the Bureau of Motor Vehicles to not issue a license *if* the technical violator's license is already suspended. The number of technical violators who have suspended licenses is not known. The Bureau of Motor Vehicles would likely be able to absorb this task with their current budget and staffing levels.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:** *Provisions C and D* may require additional court hearings. The added cost from these hearings, if they occur, is likely to be minimal. Allowing a person to pay by credit card may increase expenditures for probation departments if by law, county agencies are not permitted to pass on the vendor costs to the person on probation.

**Explanation of Local Revenues:** *Provision A* adds a \$100 fee for administrative costs for felons and \$50 administrative fee for misdemeanants. This provision would add an estimated \$3.1 M to the county general funds. The \$100 administrative fee for juvenile programs is restricted to alcohol abuse deterrent programs operated by the circuit court of the county. Currently, no counties operate alcohol abuse deterrent programs for juveniles.

*Provision B:* Under current law, offenders on probation can be charged both an initial fee and a monthly fee. The following table shows both the existing fees and the proposed fees.

Monthly Probation User Fee				
	Current Statute		Proposed Fees	
	Min	Max	Min	Max
<b>Felon</b>	\$5	\$15	\$15	\$30
<b>Misdemeanant</b>	\$0	\$10	\$10	\$20
<b>Juvenile</b>	\$5	\$15	\$10	\$25

This provision would add an estimated \$6.4 M to the supplemental adult probation user services fund and an estimated \$600,000 to the juvenile probation user services fund.

*Provision C:* The added revenues will depend on the states from which these offenders are transferred and the amount that these offenders pay in these states. During CY 2001, 239 offenders were received in 79 counties from other states.

*Provisions D through I* would increase the likelihood that probation departments would be able to collect additional fees from offenders on probation.

**State Agencies Affected:** Indiana Judicial Center.

**Local Agencies Affected:** Trial courts, probation departments.

**Information Sources:** *2001 Judicial Report, 2001 Probation Report.*

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